

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

CELLULAR COMMUNICATIONS  
EQUIPMENT LLC,

Plaintiff,

v.

HTC CORP., et al.,

Defendants.

Civil Action No. 6:13-cv-507

CONSOLIDATED LEAD CASE

JURY TRIAL DEMANDED

**JOINT CLAIM CONSTRUCTION AND PRE-HEARING STATEMENT**

Pursuant to P.R. 4-3 and the Court’s Docket Control Orders (as amended), Plaintiff Cellular Communications Equipment LLC (“CCE”), and Defendants submit this Joint Claim Construction and Pre-Hearing Statement.

**P.R. 4-3(a)**

The parties have reached agreement regarding the construction of the following claim terms, phrases, or clauses for the patents at issue.

Term	Construction
“means for receiving a neighbor cell information message” (U.S. Pat. No. 6,819,923, claim 11)	<p>The parties agree this is a means-plus function element to be construed in accordance with 35 U.S.C. 112(6).</p> <p>The parties further agree that the function is “receiving a neighbor cell information message.”</p> <p>The parties do <u>not</u> agree regarding the structure.</p>
“means for associating a specific value of said set of specific parameter values indicated by one of said index with the corresponding	The parties agree this is a means-plus function element to be construed in accordance with 35

Term	Construction
second parameter of a neighbor cell” (U.S. Pat. No. 6,819,923, claim 11)	<p>U.S.C. 112(6).</p> <p>The parties further agree that the function is “associating a specific value of said set of specific parameter values indicated by one of said index with the corresponding second parameter of a neighbor cell.”</p> <p>The parties do <u>not</u> agree regarding the structure.</p>
“processing means for arranging gaps in a time-slot frame according to the measurement pattern definitions” (U.S. Pat. No. 6,810,019, claim 11)	<p>The parties agree this is a means-plus function element to be construed in accordance with 35 U.S.C. 112(6).</p> <p>The parties further agree that the function is “arranging gaps in a time-slot frame according to the measurement pattern definitions.”</p> <p>The parties do <u>not</u> agree regarding the structure.</p>

**P.R. 4-3(b)**

With respect to the terms that are in dispute, the chart attached as Exhibit A provides CCE’s proposed constructions, and the chart attached as Exhibit B provides Defendants’ proposed constructions. These charts also provide an identification of the intrinsic and extrinsic evidence upon which each party intends to rely to support its proposed constructions. Each party reserves the right to rely on any intrinsic or extrinsic evidence identified by the other party.

**P.R. 4-3(c)**

The Court has set the Claim Construction Hearing for the patents at issue to begin at 9:00 a.m. on November 18, 2014. CCE requests 90 minutes per side (3 hours total). Defendants request 120 minutes per side (4 hours total).

**P.R. 4-3(d)**

At this time, neither CCE nor Defendants intends to call any live witnesses at the Claim Construction Hearing; however, Defendants reserve the right to bring Dr. Robert Akl to answer any questions the Court may have. CCE does intend to rely on one or more expert declarations in support of certain of its positions and/or constructions, as identified in Exhibit A. Per the parties' agreement, any CCE expert declaration supporting arguments contained in its Opening Claim Construction Brief will be disclosed to Defendants no later than the filing of that brief. CCE also intends to rely on one or more expert declarations to rebut Defendants' indefiniteness allegations, to the extent they are permitted to file a Motion for Summary Judgment on that issue. To the extent that any such expert declaration contains content supporting arguments contained in its Opening Claim Construction Brief, but such content was not disclosed to Defendants by the time of filing of that brief, Defendants reserve the right to raise objections and seek to strike and/or preclude reliance on such content.

As set forth in Exhibit B, Defendants intend to rely on one or more expert declarations in support of certain of their positions and/or constructions, whether set forth in their Responsive Claim Construction Brief, their letter brief seeking leave to file a motion for summary judgment of indefiniteness, and/or their motion for summary judgment of indefiniteness. Such expert declarations are expected to include an expert declaration from Dr. Robert Akl. Per the parties' agreement, any expert declaration supporting arguments contained in Defendants' Responsive Claim Construction Brief will be disclosed to CCE no later than the filing of that brief. To the extent that CCE relied on an expert declaration to rebut Defendants' indefiniteness allegations, Defendants reserve the right to rely on one or more expert declarations to reply to CCE's rebuttal declaration.

**P.R. 4-3 (e)**

At present, the parties are unaware of any additional issues that would require the scheduling of a pre-hearing conference prior to the Claim Construction Hearing.

DATED: September 8, 2014.

<p><u>/s/ Edward R. Nelson, III</u>  Edward R. Nelson, III  enelson@nbclaw.net  Texas State Bar No. 00797142  Brent N. Bumgardner  bbumgarnder@nbclaw.net  Texas State Bar No. 00795272  Barry J. Bumgardner  barry@nbclaw.net  Texas State Bar No. 00793424  S. Brannon Latimer  blatimer@nbclaw.net  Texas State Bar No. 24060137  Thomas C. Cecil  tcecil@nbclaw.net  Texas State Bar No. 24069489  Nelson Bumgardner Casto, p.c.  3131 West 7<sup>th</sup> Street, Suite 300  Fort Worth, Texas 76107  Phone: (817) 377-9111  Fax: (817) 377-3485</p> <p>T. John Ward, Jr.  Texas State Bar No. 00794818  J. Wesley Hill  Texas State Bar No. 24032294  Claire Abernathy Henry  Texas State Bar No. 24053063  Ward &amp; Smith Law Firm  P.O. Box 1231  1127 Judson Rd. Ste. 220  Longview, Texas 75606-1231  (903) 757-6400  (903) 757-2323 (fax)  jw@jwfirm.com  wh@wsfirm.com  claire@wsfirm.com</p> <p>ATTORNEYS FOR PLAINTIFF  CELLULAR COMMUNICATIONS  EQUIPMENT LLC</p>	<p><u>/s/ Christopher W. Kennerly</u>  Christopher W. Kennerly  TX Bar No. 00795077  chriskennerly@paulhastings.com  Jeffrey G. Randall  CA Bar No. 130811  jeffrandall@paulhastings.com  Paul Hastings LLP  1117 S. California Ave.  Palo Alto, CA 94304-1106  Telephone: (650) 320-1800  Facsimile: (650) 320-1900</p> <p><b>ATTORNEYS FOR DEFENDANT AT&amp;T  MOBILITY LLC</b></p>
<p><u>/s/ Jamie B. Beaber</u>  Jamie B. Beaber (D.C. Bar No. 484186)</p>	<p><u>/s/ Melissa R. Smith</u>  Melissa R. Smith</p>

<p>Kfir B. Levy (D.C. Bar No. 989212)  Michael W. Maas (D.C. Bar No. 493685)  MAYER BROWN LLP  1999 K Street, N.W.  Washington, DC 20006-1101  Telephone: (202) 263-3000  Facsimile: (202) 263-3300  jbeaber@mayerbrown.com  klevy@mayerbrown.com  mmaas@mayerbrown.com</p> <p>Robert G. Pluta (IL Bar No. 6278255)  MAYER BROWN LLP  71 S. Wacker Drive  Chicago, IL 60606  Telephone: (312) 782-0600  Facsimile: (312) 701-7711  rpluta@mayerbrown.com</p> <p>Michael E. Jones  State Bar No. 10929400  mikejones@potterminton.com  Allen F. Gardner  State Bar No. 24043679  allengardner@potterminton.com  POTTER MINTON P.C.  110 N. College Avenue, Suite 500  Tyler, Texas 75702  Telephone: (903) 597-8311  Facsimile: (903) 593-0846</p> <p><b>ATTORNEYS FOR DEFENDANTS LG  ELECTRONICS, INC. AND LG  ELECTRONICS U.S.A., INC.</b></p>	<p>State Bar No. 24001351  GILLAM &amp; SMITH, LLP  303 S. Washington Ave.  Marshall, TX 75670  Telephone: (903) 934-8450  Facsimile: (903) 934-9257  melissa@gillamsmithlaw.com</p> <p>John C. Hueston (pro hac vice)  Douglas J. Dixon (pro hac vice)  IRELL &amp; MANELLA LLP  840 Newport Center Dr., Ste. 840  Newport Beach, CA 92660  Telephone: (949) 760-0991  Facsimile: (949) 760-5200  JHueston@irell.com  DDixon@irell.com</p> <p>Ellisen S. Turner (pro hac vice)  Benjamin Haber (pro hac vice)  IRELL &amp; MANELLA LLP  1800 Avenue of the Stars, Ste. 900  Los Angeles, CA 90067  Telephone: (310) 277-1010  Facsimile: (310) 203-7199  ETurner@irell.com  BHaber@irell.com</p> <p><b>ATTORNEYS FOR DEFENDANTS T-  MOBILE USA, INC. AND T-MOBILE US,  INC.</b></p>
<p>/s/ Alan A. Wright  Alan A. Wright  awright@park-law.com  Oluwaseun O. Ajayi  oajayi@park-law.com  Brendan P. O'Shea  boshea@park-law.com  H.C. PARK &amp; ASSOCIATES, PLC  1894 Preston White Drive  Reston, VA 20191  Telephone: (703) 288-5105</p>	<p>/s/ Kurt M. Pankratz  Kurt M. Pankratz, Lead Attorney  Texas Bar No. 24013291  kurt.pankratz@bakerbotts.com  Kevin E. Cadwell  Texas Bar No. 24036304  kevin.cadwell@bakerbotts.com  Roshan Mansinghani  Texas Bar No. 24057026  roshan.mansinghani@bakerbotts.com  Harrison G. Rich</p>

<p>Facsimile: (703) 288-5139</p> <p>Melissa R. Smith State Bar No. 24001351 GILLAM &amp; SMITH, LLP 303 S. Washington Ave. Marshall, TX 75670 Telephone: (903) 934-8450 Facsimile: (903) 934-9257 melissa@gillamsmithlaw.com</p> <p><b>ATTORNEYS FOR DEFENDANTS PANTECH CO. LTD. AND PANTECH WIRELESS, INC.</b></p>	<p>Texas Bar No. 24083730 harrison.rich@bakerbotts.com BAKER BOTTS L.L.P. 2001 Ross Avenue, Suite 600 Dallas, Texas 75201-2980 Telephone: (214) 953-6584 Facsimile: (214) 661-4584</p> <p><b>ATTORNEYS FOR DEFENDANTS BLACKBERRY LIMITED AND BLACKBERRY CORPORATION</b></p>
<p><u>/s/ Robert W. Weber</u> Robert W. Weber Texas State Bar No. 21044800 SMITH WEBER, L.L.P. 5505 Plaza Drive P.O. Box 6167 Texarkana, TX 75505-6167 Tele: (903) 223-5656 Fax: (903) 223-5652 Email: bweber@smithweber.com</p> <p>and</p> <p>Mark W. McGrory (pro hac vice) ROUSE HENDRICKS GERMAN MAY PC 1201 Walnut, 20th Floor Kansas City, MO 64106 Tel: (816) 471-7700 Fax: (816) 471-2221 Email: MarkM@rhgm.com</p> <p><b>ATTORNEYS FOR DEFENDANTS SPRINT SOLUTIONS, INC.; SPRINT SPECTRUM L.P.; AND BOOST MOBILE, LLC</b></p>	<p><u>/s/ Jennifer H. Doan</u> Jennifer H. Doan Texas Bar No. 08809050 Joshua R. Thane Texas Bar No. 24060713 HALTOM &amp; DOAN Crown Executive Center, Suite 100 6500 Summerhill Road Texarkana, TX 75503 Telephone: (903) 255-1000 Facsimile: (903) 255-0800 Email: jdoan@haltomdoan.com Email: jthane@haltomdoan.com</p> <p>J. David Hadden CA Bar No. 176148 (Admitted E.D. Tex) dhadden@fenwick.com Saina Shamilov CA Bar No. 215636 (Admitted E.D. Tex) sshamilov@fenwick.com Ravi R. Ranganath CA Bar No. 272981 (Admitted E.D. Tex) rranganath@fenwick.com FENWICK &amp; WEST LLP Silicon Valley Center 801 California Street Mountain View, California 94041 Telephone: (650) 988-8500 Facsimile: (650) 938-5200</p> <p><b>ATTORNEYS FOR DEFENDANT</b></p>

<p><u>/s/ Rick L. Rambo</u>  Rick L. Rambo  Texas State Bar No. 00791479  rrambo@morganlewis.com  Adam A. Allgood  Texas State Bar No. 24059403  aallgood@morganlewis.com  1000 Louisiana Street, Suite 4000  Houston, Texas 77002  (713) 890-5000 Telephone  (713) 890-5001 Facsimile</p> <p>Robert W. Busby, LEAD ATTORNEY  Virginia Bar No. 41312 (<i>Admitted Pro Hac Vice</i>)  rbusby@morganlewis.com  John D. Zele  Virginia Bar No. 36183 (<i>Admitted Pro Hac Vice</i>)  jzele@morganlewis.com  Jeremy D. Peterson  Virginia Bar No. 36183 (<i>Admitted Pro Hac Vice</i>)  jpeterson@morganlewis.com  Bradford A. Cangro (<i>admitted in TXED</i>)  D.C. Bar No. 495996  bcangro@morganlewis.com  MORGAN, LEWIS &amp; BOCKIUS LLP  1111 Pennsylvania Avenue, NW  Washington, DC 20004  (202) 739-3000 Telephone  (202) 739-3001 Facsimile</p> <p><b>COUNSEL FOR DEFENDANTS NEC  CORPORATION OF AMERICA, NEC CASIO  MOBILE COMMUNICATIONS, LTD. AND  AT&amp;T MOBILITY LLC</b></p>	<p><b>AMAZON.COM, INC.</b></p> <p><u>/s/ Everett Upshaw</u>  Everett Upshaw  State Bar of Texas No. 24025690  everettupshaw@everettupshaw.com  Jacqueline M. Lee  jacquelinelee@everettupshaw.com  <b>LAW OFFICE OF EVERETT UPSHAW, PLLC</b>  811 S. Central Expressway, Suite 307  Richardson, Texas 75080  P: (972) 920-8000  F: (972) 920-8001</p> <p><b>ATTORNEY FOR DEFENDANT  ZTE (USA) INC.</b></p>
<p><u>/s/ Roger Joseph Fulghum</u>  Roger Joseph Fulghum (TX Bar No. 00790724)  Tammy M Pennington Rhodes  (TX Bar No. 24051182)  Baker Botts LLP  910 Louisiana Street  One Shell Plaza</p>	<p><u>/s/ Inge Larish</u>  Inge Larish  inge.larish@pillsburylaw.com  TX State Bar No. 00796924  Steven A. Moore (<i>Pro Hac Vice</i>)  steve.moore@pillsburylaw.com</p>



<p>Houston, TX 77002-4995  Telephone: 713/229-1707  Facsimile: 713/229-2707  Email: roger.fulghum@bakerbotts.com  Email: tammy.pennington@bakerbotts.com</p> <p>Deron R Dacus (TX Bar No. 00790553)  T Shannon Marie Dacus (TX Bar No. 00791004)  The Dacus Firm, PC  821 ESE Loop 323  Suite 430  Tyler, TX 75701  Telephone: 903/705-1117  Facsimile: 903/705-1117  Email: ddacus@dacusfirm.com  Email: sdacus@dacusfirm.com</p> <p><b>ATTORNEYS FOR DEFENDANT DELL INC.</b></p>	<p>California State Bar No. 232114  Nicole S. Cunningham (<i>Pro Hac Vice</i>)  nicole.cunningham@pillsburylaw.com  California State Bar No. 234390  PILLSBURY WINTHROP SHAW  PITTMAN LLP  501 West Broadway, Suite 1100  San Diego, CA 92101  Telephone: 619-544-3119  Facsimile: 619-236-1995</p> <p><b>ATTORNEYS FOR DEFENDANTS  HTC CORPORATION AND HTC  AMERICA, INC.</b></p>
<p><u>/s/ Robert J Benson</u>  Robert J Benson  CA Bar No. 155971  Email: rbenson@orrick.com  Christina M. Von der Ahe  CA Bar No. 255467  Email: cvonderahe@orrick.com  Orrick Herrington &amp; Sutcliffe, LLC - Irvine  2050 Main St  Suite 1100  Irvine, CA 92614-8255  Telephone: 949/852-7705  Facsimile: 949/567-6710</p> <p>I. Neel Chatterjee  CA Bar No. 173985  Orrick Herrington &amp; Sutcliffe - Menlo Park  1000 Marsh Road  Menlo Park, CA 94025  Telephone: 650/614-7400  Facsimile: 650/614-7401  Email: nchatterjee@orrick.com</p> <p>Richard A. Cederoth  rcederoth@sidley.com  Ellen S. Robbins  erobbins@sidley.com</p>	<p><u>/s/ Michael E. Jones</u>  Michael E. Jones  State Bar No. 10929400  Patrick C. Clutter, IV  State Bar No. 24036374  mikejones@potterminton.com  patrickclutter@potterminton.com  POTTER MINTON, P.C.  110 N. College Ave., Suite 500  Tyler, Texas 75702  Telephone: (903) 597-8311  Facsimile: (903) 593-0846</p> <p>Charles B. Molster, III  Virginia State Bar No. 23613  Thomas M. Dunham  D.C. Bar No. 448407  Corrine M. Saylor  D.C. Bar No. 997638 (<i>Pro Hac Vice</i>)  cmolster@winston.com  tdunham@winston.com csaylor@winston.com</p> <p>WINSTON &amp; STRAWN LLP  1700 K Street, N.W.  Washington, D.C. 20006-3817  Telephone: (202) 282-5000  Facsimile: (202) 282-5100</p>

<p>SIDLEY AUSTIN LLP One South Dearborn Chicago, Illinois 60603 Telephone: 312-853-7000 Facsimile: 312-853-7036</p> <p>Jennifer Parker Ainsworth Texas State Bar No. 00784720 jainsworth@wilsonlawfirm.com WILSON, ROBERTSON &amp; CORNELIUS, P.C. 909 ESE Loop 323, Suite 400 P.O. Box 7339 [75711] Tyler, Texas 75701 Telephone: (903) 509-5000 Facsimile: (903) 509-5092</p> <p><b>ATTORNEYS FOR DEFENDANT MICROSOFT</b></p>	<p><b>ATTORNEYS FOR DEFENDANT CELLCO PARTNERSHIP D/B/A/ VERIZON WIRELESS</b></p>
	<p>By: <u>/s/ Mark C. Scarsi</u> Mark C. Scarsi (<i>admitted Pro Hac Vice</i>) mscarsi@mibank.com Miguel Ruiz (<i>admitted Pro Hac Vice</i>) mruiz@milbank.com Ashlee N. Lin (<i>admitted Pro Hac Vice</i>) ashlee.lin@milbank.com Michael Sheen (<i>admitted Pro Hac Vice</i>) msheen@milbank.com MILBANK, TWEED, HADLEY &amp; MCCLOY LLP 601 South Figueroa Street, 30th Floor Los Angeles, California 90017-5735 Telephone: (213) 892-4000 Facsimile: (213) 629-5063</p> <p>Thomas C. Mavrakakis (Bar No. 00791209) Michael T. Pieja (<i>admitted Pro Hac Vice</i>) Brian C. Kwok (<i>admitted Pro Hac Vice</i>) MAVRAKAKIS LAW GROUP LLP One Palo Alto Square, 2nd Floor 3000 El Camino Real Palo Alto, CA 94306 Tel: (650) 804-7800 Fax: (650) 852-9224 mav@mavllp.com mpieja@mavllp.com bkwok@mavllp.com</p> <p>Howard E. Levin (<i>admitted Pro Hac Vice</i>)</p>

	<p>MAVRAKAKIS LAW GROUP LLP 180 N. LaSalle Street, Suite 2215 Chicago, IL 60601 Tel: (312) 216-1620 Fax: (312) 216-1621 hlevin@mavllp.com</p> <p>Eric H. Findlay (Bar No. 00789886) efindlay@findlaycraft.com FINDLAY CRAFT PC 102 N. College Avenue, Suite 900 Tyler, TX 75702 Phone: (903) 534-1100 Fax: (903) 534-1137</p> <p><b>ATTORNEYS FOR DEFENDANT APPLE INC.</b></p>
--	--

**CERTIFICATE OF SERVICE**

I hereby certify that on the 8th day of September, 2014, I electronically filed the foregoing document with the clerk of the Court for the U.S. District Court, Eastern District of Texas, Tyler Division, using the Court's electronic case filing system. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Edward R. Nelson, III